

Docket No.: 03728/0205090-US0
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Philipp Kropf et al.

Application No.: 10/597,847

Confirmation No.: 7019

Filed: August 9, 2006

Art Unit: N/A

For: PROSTHESIS FOR REPLACING THE
SURFACE IN THE AREA OF THE BALL OF
BALL-AND-SOCKET JOINTS

Examiner: Not Yet Assigned

REQUEST FOR FILING FEE REFUND

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby requests a refund in the amount of \$150.00 for the excess fees erroneously charged to our Deposit Account 04-100 on June 4, 2007 for the above-identified application. The Applicant filed a Preliminary Amendment (a copy enclosed) on August 9, 2006 amending the claims to reflect twenty-five claims and three independent claims. Therefore, the Applicant was only responsible to pay a fee for 5 extra claims in the amount of \$250.00.

Please note the following payment history regarding the above-noted matter:

\$ 300.00 – National Stage Fee
\$ 400.00 – National Stage Search Fee
\$ 200.00 – National Stage Exam Fee
\$ 250.00 – Excess Claims Fee (5 Claims)
\$1, 150.00 Total Paid by Darby on August 9, 2006

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Application No.: 10/597,847

Docket No.: 03728/0205090-US0

2006. Also enclosed a copy of our June 2007 Statement for Deposit Account 04-0100 which reflects the incorrect charge for \$150.00.

Accordingly, we respectfully request that the refund of \$150.00 be applied to our Deposit Account No. 04-0100 in the name of Darby & Darby P.C.

Dated: July 26, 2007

Respectfully submitted,

By

Edward J. Ellis

Registration No.: 40,389

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Attorneys/Agents For Applicant

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2

Deposit Account Statement

Page 1 of 2

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Patent and
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Deposit Account Statement

Requested Statement Month: June 2007
Deposit Account Number: 040100
Name: DARBY & DARBY P.C.
Attention: ANGELINA STANTINI
Street Address 1: 7 WORLD TRADE CENTER
Street Address 2: 250 GREENWICH STREET
City: NEW YORK
State: NY
Zip: 10007
Country: UNITED STATES

DATE SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
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06/04 2	10597847	03728/0205090-US0	1202	\$460.00	\$58,150
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Electronic Acknowledgement Receipt

EFS ID:	1148059
Application Number:	10597847
Confirmation Number:	7019
Title of Invention:	PROSTHESIS FOR REPLACING THE SURFACE IN THE AREA OF THE BALL OF BALL-AND-SOCKET JOINTS
First Named Inventor:	Philipp Kroff
Customer Number:	07278
Filer:	Marie Louise Collazo/Nicole Edwards
Filer Authorized By:	Marie Louise Collazo
Attorney Docket Number:	03728/0205080-US0
Receipt Date:	09-AUG-2006
Filing Date:	
Time Stamp:	16:57:56
Application Type:	U.S. National Stage under 35 USC 371
International Application Number:	PCT/CH05/00099

Payment information:

Submitted with Payment	yes
Payment was successfully received in RAM	\$1150
RAM confirmation Number	202
Deposit Account	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)	Multi Part	Pages
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1		00821106.pdf	56568	yes	6
Multipart Description					
	Doc Desc		Start	End	
	Transmittal letter		1	3	
	Application Data Sheet		4	6	
Warnings:					
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2	Oath or Declaration filed	00821115.pdf	108344	no	4
Warnings:					
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3	Documents submitted with 371 Applications	00821111.pdf	43050	no	2
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4	Documents submitted with 371 Applications	00821119.PDF	183543	no	18
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Information:					
5		00821134.PDF	70436	yes	9
Multipart Description					
	Doc Desc		Start	End	
	Preliminary Amendment		1	1	
	Specification		2	2	

	Claims		4	8
	Applicant Arguments/Remarks Made in an Amendment		9	9
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Warnings:				
Information:				
7	Specification	00821072.PDF	56678	no 8
Warnings:				
Information:				
8		00821121.PDF	159004	yes 7
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	Doc Desc	Start	End	
	Information Disclosure Statement (IDS) Filed	1	3	
	NPL Documents	4	7	
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Information:

11	Foreign Reference	00821231.PDF	428916	no	16
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12	Fee Worksheet (PTO-875)	fee-Info.pdf	8554	no	2
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If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

Electronic Patent Application Fee Transmittal

Application Number:				
Filing Date:				
Title of Invention:	PROSTHESIS FOR REPLACING THE SURFACE IN THE AREA OF THE BALL OF BALL-AND-SOCKET JOINTS			
First Named Inventor:	Phillipp Kroff			
Filer:	Marie Louise Collazo/Nicole Edwards			
Attorney Docket Number:	03728/0205090-USO			
Filed as Large Entity				
U.S. National Stage under 35 USC 371 Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
National Stage Fee	1631	1	300	300
Natl Stage Search Fee - Report provided	1642	1	400	400
National Stage Exam - all other cases	1633	1	200	200
Pages:				
Claims:				
Claims in excess of 20	1615	5	50	250
Miscellaneous-Filing:				
Petition:				

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DARBY & DARBY PC

011/020

Description	Fee Code	Amount	Category	USD(\$)
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				1150

Docket No.: 03728/0205090-US0
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Philipp Kropf et al.

Application No.: National Phase of PCT/CH05/000099

Confirmation No.: N/A

Filed: Concurrently Herewith

Art Unit: N/A

For: PROSTHESIS FOR REPLACING THE
SURFACE IN THE AREA OF THE BALL OF
BALL-AND-SOCKET JOINTS

Examiner: Not Yet Assigned

FIRST PRELIMINARY AMENDMENT

MS PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

Prior to examination on the merits, please amend the above-identified U.S. patent application as follows:

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Abstract begin on page 3 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 4 of this paper.

Remarks/Arguments begin on page 9 of this paper.

Application No. National Phase of PCT/CH05/000099 2
Amendment dated August 9, 2006
First Preliminary Amendment

Docket No.: 03728/0205090-US0

AMENDMENTS TO THE SPECIFICATION

Please replace the specification attached hereto in compliance attached hereto in compliance with §§1.125(b) and (b). A clean copy of the specification and markup copy are also attached.

Application No. National Phase of PCT/CH05/000099 3
Amendment dated August 9, 2006
First Preliminary Amendment

Docket No.: 03728/0205090-US0

AMENDMENTS TO THE ABSTRACT

Please add the following paragraph(s) for the abstract now appearing in the currently filed specification:

ABSTRACT

A prosthesis for replacing a surface in an area of a ball of a ball-and-socket joint includes a spherical shell section having an outer surface that is configured to lie in an articular fossa and is for attachment to a surface. The shell section having a cavity for receiving a bone end. The prosthesis also includes a crown that partitions the cavity of the shell section into a first cavity and a second cavity, wherein a shape of the shell section is at least a section of a hemisphere and a free edge of the crown lies in the same plane as a free edge of the shell section.

Application No. National Phase of PCT/CH05/000099 4
Amendment dated August 9, 2006
First Preliminary Amendment

Docket No.: 03728/0205090-US0

AMENDMENTS TO THE CLAIMS

Claims 1-17 (Canceled)

18. (New) A prosthesis for replacing a surface in an area of a ball of a ball-and-socket joint comprising:

a spherical shell section having an outer surface that is configured to lie in an articular fossa and is for attachment to a surface, the shell section having a cavity for receiving a bone end; and

a crown that partitions the cavity of the shell section into a first cavity and a second cavity;

wherein a shape of the shell section is at least a section of a hemisphere and a free edge of the crown lies in the same plane as a free edge of the shell section.

19. (New) The prosthesis of claim 18, wherein the spherical shell section has a height h that is about 65% to 90% of a radius of the ball.

20. (New) The prosthesis of claim 19, wherein the spherical shell section has a height h that is about 70% to 85% of the radius of the ball.

21. (New) The prosthesis of claim 19, wherein the spherical shell section has a height h that is about 80% of the radius of the ball.

Application No. National Phase of PCT/CH05/000099 5
Amendment dated August 9, 2006
First Preliminary Amendment

Docket No.: 03728/0205090-US0

22. (New) The prosthesis of claim 18, wherein the first cavity has a circular shape and the second cavity has an annular shape.

23. (New) The prosthesis of claim 18, wherein an innermost end of the crown is integrally connected to the inner surface of the shell section so as to form a single integral structure.

24. (New) The prosthesis of claim 18, wherein at least one of the inner surface of the shell section and a surface of the crown is configured for contact with the bone end and is therefore a roughened surface.

25. (New) The prosthesis of claim 18, wherein the crown has at least one opening formed therein to provide communication between the first and second cavities.

26. (New) The prosthesis of claim 25, wherein the at least one opening comprises at least five openings.

27. (New) The prosthesis of claim 18, wherein at least of an inner surface and an outer surface of the crown has a relief structure formed as a part thereof.

28. (New) The prosthesis of claim 27, wherein the relief structure comprises a fluting that is formed by ring beads that extend circumferentially around the crown.

Application No. National Phase of PCT/CH05/000099 6
Amendment dated August 9, 2006
First Preliminary Amendment

Docket No.: 03728/0205090-US0

29. (New) The prosthesis of claim 18, wherein the inner surface of the shell section includes a relief structure that extends along an edge of the shell section.

30. (New) The prosthesis of claim 29, wherein the relief structure comprises fluting formed circumferentially around the inner surface of the shell section.

31. (New) The prosthesis of claim 18, wherein the crown and shell section are separate parts and are constructed to be securely coupled to one another.

32. (New) The prosthesis of claim 31, wherein the crown and shell section are constructed to be threadingly coupled to one another by means of threads formed on at least one of an outer surface of the crown and the inner surface of the shell section.

33. (New) The prosthesis of claim 18, wherein the crown has a shape selected from the group consisting of a circle and a polygon.

34. (New) The prosthesis of claim 18, wherein the crown is arrayed in a coaxial manner.

35. (New) The prosthesis of claim 18, wherein the crown and shell section are individual parts and are connected to one another by a mechanical fit selected from the group consisting of screw threading, a bayonet joint and a clamping device.

Application No. National Phase of PCT/CH05/000099 7
Amendment dated August 9, 2006
First Preliminary Amendment

Docket No.: 03728/0205090-US0

36. (New) A prosthesis for replacing a surface in an area of a ball of a ball-and-socket joint comprising:

a spherical shell section having an outer surface that is configured to lie in an articular fossa and is for attachment to a surface, the shell section having a cavity for receiving a bone end; and

a crown that partitions the cavity of the shell section into a first cavity and a second cavity;

wherein a shape of the shell section is at least a section of a hemisphere and a free edge of the crown is displaced from a plane in which a free edge of the shell section lies.

37. (New) The prosthesis of claim 36, wherein the free edge of the crown projects by up to 5 mm over the plane in which the free edge of the shell section lies.

38. (New) The prosthesis of claim 37, wherein the free edge of the crown projects from about 1 mm to about 3 mm.

39. (New) The prosthesis of claim 36, wherein the free edge of the crown does not intersect the plane in which the free edge of the shell section lies.

Application No. National Phase of PCT/CH05/000099 8
Amendment dated August 9, 2006
First Preliminary Amendment

Docket No.: 03728/0205090-US0

40. (New) The prosthesis of claim 39, wherein the free edge of the crown is up to about 5 mm from the plane containing the free edge of the shell section.

41. (New) A procedure for implantation of a prosthesis in a bone comprising the steps of:
preparing the bone and forming a groove in the bone;
providing a prosthesis for replacing a surface in an area of a ball of a ball-and-socket joint, the prosthesis including a spherical shell section and a crown, the shell section having an outer surface that is configured to lie in an articular fossa and is for attachment to a surface, the shell section having a cavity for receiving a bone end, the crown partitioning the cavity of the shell section into a first cavity and a second cavity, wherein a shape of the shell section is at least a section of a hemisphere and a free edge of the crown lies in the same plane as a free edge of the shell section; and
inserting the prosthesis onto the bone such that the crown is received in the groove formed in the bone.

42. (New) A set of prostheses comprising:
a plurality of prostheses according to claim 1, wherein the shell section are formed of diameters that differ from one another and a ratio of a height (h) of the shell section to a respective ball diameter is equal for the different prosthesis and a diameter of each crown amounts to the same percentage of a diameter of the spherical shell section.

Application No. National Phase of PCT/CH05/000099 - 9
Amendment dated August 9, 2006
First Preliminary Amendment

Docket No.: 03728/0205090-US0

REMARKS

The specification has been amended to make reference to the International Application from which this application originates and to correct grammatical and English language errors. An abstract was added. Claims 1- 17 have been cancelled. Claims 18 - 42 have been added to provide claim coverage from the removed multiple dependent claims.

In view of the above amendment, applicant requests a prompt and favorable action.

Dated: August 9, 2006

Respectfully submitted,

By 

Jay P. Lessler

Registration No.: 41,151

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New York, New York 10150-5257

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PTO/SB/07 (09-04)

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Application No. (if known): 10/597,847

Attorney Docket No.: 03728/0205090-USO

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on July 26, 2007
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Nicole R. Edwards

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Electronic Patent Application Fee Transmittal (2 pages)
First Preliminary Amendment (9 pages)

FAX TRANSMISSION**DATE:** July 26, 2007**PTO IDENTIFIER:** Application Number 10/597,847-Conf. #7019
Patent Number**Inventor:** Philipp Kropf et al.**MESSAGE TO:** US Patent and Trademark Office - Refund Branch**FAX NUMBER:** (571) 273-6500**FROM:** DARBY & DARBY P.C.

Edward J. Ellis

PHONE: (212) 527-7704**Attorney Dkt. #:** 03728/0205090-US0**PAGES (Including Cover Sheet):** 20**CONTENTS:**
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First Preliminary Amendment (9 pages)

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